

UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
4513 P

Total Pages in this Submission

TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

APPARATUS AND METHOD FOR CLOSED-LOOP INTRACRANIAL STIMULATION FOR OPTIMAL CONTROL OF NEUROLOGICAL DISEASE

and invented by:

Daniel John DiLorenzo

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 10/008,576+others

Which is a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/340,326

Which is a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 60/095,413+others

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 127 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications (if applicable)
 - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
 - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings (if filed)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

The PTO did not receive the following listed item(s): 1 page of Drawings

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Application Elements (Continued)

3. ☒ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☒ Formal Number of Sheets 39
- b. ☐ Informal Number of Sheets _____
4. ☒ Oath or Declaration
- a. ☐ Newly executed (original or copy) ☒ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☒ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (usable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☒ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)
- a. ☐ Computer Readable Form (CFR)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail (Specify Label No.): ER632010632US

**UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)**

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Acc mpanying Applicati n Parts (Continu d)

17. ☒ Applicant claims small entity status. See 37 CFR 1.27.

☒ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: 1

18. ☐ Additional Enclosures *(please identify below)*:

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

19. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

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Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	193	- 20 =	173	x \$9.00	\$1,557.00
Indep. Claims	14	- 3 =	11	x \$43.00	\$473.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$385.00
OTHER FEE (specify purpose) _____					\$0.00
TOTAL FILING FEE					\$2,415.00

- ☒ A check in the amount of **\$2,415.00** to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-0581** as described below.
- ☐ Charge the amount of _____ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: 20 November 2003


Signature

cc:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: Daniel John DiLorenzo

ASSIGNEE: n/a

SERIAL NUMBER: n/a

DATE FILED: n/a

TITLE: APPARATUS AND METHOD FOR CLOSED-LOOP
INTRACRANIAL STIMULATION FOR OPTIMAL CONTROL OF
NEUROLOGICAL DISEASE

ATTORNEY DOCKET: 4520 P

Mail Stop: PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2231301450

COVER LETTER

Honorable Commissioner:

Enclosed herewith please find the following documents comprising a United States patent application: (1) specification, claims and drawings, (2) declaration of inventor(s), (3) fee calculation sheet, (4) fee, (5) statements of small entity status, (6) an application data sheet, and (7) return receipt postcard.

This application is being submitted without a signed declaration, the inventor is currently unavailable, he intends to file the required declaration within the permitted period after receipt of a Notice of Missing Parts.

Respectfully submitted this 26th day of November, 2003.



Lloyd W. Sadler, Reg. No. 40,154
PARSONS BEHLE & LATIMER
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Salt Lake City, Utah 84111
Telephone: (801) 532-1234
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


INVENTORS: Daniel John DiLorenzo
ASSIGNEE: n/a
SERIAL NUMBER: n/a
DATE FILED: n/a
TITLE: APPARATUS AND METHOD FOR CLOSED-LOOP
INTRACRANIAL STIMULATION FOR OPTIMAL CONTROL OF
NEUROLOGICAL DISEASE
ATTORNEY DOCKET: 4520 P

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2231301450

CERTIFICATE OF MAILING

Honorable Commissioner:

I hereby certify that the attached paper of fee (Patent Application) is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee," Express Mail Mailing Label Number ER632010650US, (under 37 C.F.R. § 1.10) on this 20th day of November, 2003 with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mail Stop: PATENT APPLICATION.


Signature of registered practitioner or other person having a reasonable basis to expect mailing to occur on the date of deposit shown pursuant to 37 C.F.R. § 1.8(a) or person actually making deposit pursuant to 37 C.F.R. § 1.10(b).

Lloyd W. Sadler, Reg. No. 40,154
Name of person whose signature is given above

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: Daniel John DiLorenzo
ASSIGNEE: n/a
SERIAL NUMBER: n/a
DATE FILED: n/a
TITLE: APPARATUS AND METHOD FOR CLOSED-LOOP
INTRACRANIAL STIMULATION FOR OPTIMAL CONTROL OF
NEUROLOGICAL DISEASE
ATTORNEY DOCKET: 4520 P

Mail Stop: PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2231301450

FEE CALCULATION SHEET


Honorable Commissioner:

The fee for the accompanying patent application is calculated as follows:

Basic Filing Fee (small entity)	\$385.00
Independent claims in excess of three	\$473.00
(11 x 43.00 each)	
Claims in excess of twenty	\$1557.00
(197 x 9.00)	
<u>Recordation of Assignment</u>	<u>\$ 0.00</u>
TOTAL	\$2415.00

A check for this amount is enclosed. The Commissioner is hereby authorized to charge any deficiency and to credit any overpayment to Deposit Account Number 50-0581. Thank you.

Respectfully submitted this 20th day of November, 2003.


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